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November 17, 2023

Via ECF

Hon. Charles R. Breyer
United States District Judge
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*
Case No. 3:23-md-03084-CRB

Dear Judge Breyer:

It is a privilege to submit this application for your consideration on this important case. The appointment of qualified and competent leadership is necessary for the successful pursuit of this action on behalf of survivors of sexual assault. Although my law firm has held several MDL leadership positions, I submit this application with the acknowledgment that this is my first application for a leadership position individually, and thus this would be my first MDL leadership appointment. It is both an exciting and intimidating opportunity and I am applying for this position because I believe that I have unique experiences and skills that form a solid foundation to not only meaningfully contribute to the litigation of this case but, also be open to continued learning and mentorship from my accomplished colleagues.

I have dedicated my career to representing individuals who have been harmed by the negligence of individuals and corporations. For many years I have focused a significant part of my practice to representing survivors of sexual abuse and sexual assault. These have been some of the most rewarding experiences of my career. I have also been fortunate to serve as the President of the Colorado Trial Lawyers Association; been inducted into the American Board of Trial Advocates (ABOTA); and have been active in working with lobbyists and lawmakers to pass consumer focused legislation.

I hereby submit my application and stand ready to serve the Court as a member of the Plaintiffs' Steering Committee of MDL 3084 *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*.

I offer the following in response to the Court's questions:

1. Professional Experience with this Type of Litigation/MDLs

I have been a trial lawyer for over 20 years. During those 20 years I have tried over 15 cases to verdict, the majority of which were complex cases involving multi-week trials and included claims of medical negligence, insurance bad faith and catastrophic personal injury. In 2017, I was honored to be inducted into ABOTA.

Serving in a leadership position in an MDL carries great responsibility and brings unique challenges. I believe that I am prepared to face these challenges based on my experience in leading multi-plaintiff cases to successful resolution and serving in other professional leadership positions.

Prior to the formation of the Rideshare JCCP and this MDL, I litigated an individual claim on behalf of a woman who was raped by an Uber driver. In that litigation, my client obtained a favorable resolution prior to trial after we defeated Uber's legal arguments and discovered critical information and evidence. In this litigation, my partner, Aimee Wagstaff and I, are currently appearing as co-counsel on the *E.D. v. Uber Technologies, Inc., et al*, Case No. 3:23-CV-05307-CRB matter.

Also, I am particularly proud of my work on behalf of close to 100 survivors of sexual abuse at the hands of a sports team physician at the University of Michigan. I was honored to represent students, athletes and community members who had been sexually abused by Dr. Robert Anderson during his extensive tenure at the University of Michigan. After forming a coalition with two other law firms, I had the opportunity to play an instrumental role in leading our team to a favorable resolution, providing significant compensation to our clients. Our work in the Anderson case included significant legal research and drafting of pleadings; active negotiations with the University through both virtual and in-person mediations; continuous communication with clients; developing litigation and settlement strategy; active monitoring of relevant legislative activity at the Michigan State House; and consultation with experts on various issues.

In addition to the work in the Michigan case, I am currently overseeing and am actively pursuing claims on behalf of over 100 claimants in the Boy Scouts of America bankruptcy case; actively pursuing claims on behalf of survivors of sexual abuse that have been coordinated in JCCP proceedings in the State of California; and, actively pursuing individual claims on behalf of survivors who have been sexually abused by clergy members, medical professionals, and, educational institutions. I have also played active roles in overseeing and managing claims on behalf of survivors of sexual abuse perpetrated by Larry Nassar.

I have experience in professional leadership positions, that is also relevant to a role on the Plaintiffs' Steering Committee. I believe that my unique perspective and experience adds to the foundation that I bring to a leadership position in this case. I served as the President of the Colorado Trial Lawyers Association (CTLA) from 2018 to 2019. The CTLA serves 1,300 trial lawyer members and provides both professional development and legislative advocacy in the State of Colorado. The organization's leadership track involves a five-year commitment, bringing leaders through various positions in the organization before assuming the role of President. As President, I oversaw all legislative activity, successfully passing an increase of many of the State's damage caps as well as other pieces of consumer-focused legislation. I was called on to represent the organization at the State Capitol; to the Colorado Democratic Caucus; and, to various organizations and entities throughout my term. I continue to serve the CTLA with my current positions on the Board of Directors, Legislative and Executive Committees. I also remain active in pursuing legislation related to sexual abuse in Colorado and Michigan.

2. Judicial Contact Information

I have not previously been appointed to a leadership position in an MDL or state court consolidation.

3. Willingness and Availability to Commit Time to this Litigation

Appointment to a leadership position is a privilege and commitment to the MDL and is a critical component to ensuring success of the litigation. I am prepared to serve as a member of the leadership team and to dedicate the time required to serve this role to my full ability.

4. Willingness and Ability to Work Cooperatively with Other Counsel

Throughout my career, I have enjoyed developing professional relationships with both plaintiff and defense counsel. Professionalism is a cornerstone of many legal professional organizations but, particularly of ABOTA. Induction into ABOTA requires a vote of approval from colleagues in your professional community. As a new member of a leadership team in an MDL, I look forward to learning from the experience of those around me and further strengthening relationships. I have had the pleasure of being able to work with many of esteemed counsel applying for leadership in this case. I look forward to continuing these collaborative relationships.

5. Resources Available to Prosecute this Litigation in a Timely Manner

Our firm has extensive experience in serving in leadership positions in MDL cases. We understand both the time and financial commitment required for this litigation to proceed efficiently and effectively. Wagstaff Law Firm is prepared to advance the funds necessary to prosecute this litigation in a timely manner.

6. Additional Considerations for Appointment

I have pursued sexual abuse claims for many years. Throughout that time, I have had the opportunity to collaborate and work with many practitioners in this area. Due to some of the unique issues that arise in sexual abuse litigation, I believe that the Proposed Leadership Group, identified in **Exhibit A**, is a group that will best serve the interests of the plaintiffs currently or soon to be in front of this Court.

Thank you for your consideration.

I would be honored to serve this Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'AA' with a long horizontal stroke extending to the right.

SOMMER D. LUTHER

Encl.

EXHIBIT A

[Proposed] Plaintiffs' Leadership Group ("PLG")

Co-Leads:

Rachel Abrams

Peiffer Wolf Carr Kane Conway & Wise

rabrams@peifferwolf.com

Sarah London

Lieff Cabraser Heimann & Bernstein

slondon@lchb.com

Roopal Luhana

Chaffin Luhana LLP

Luhana@chaffinluhana.com

Plaintiffs' Executive Committee

Marlene Goldenberg

Nigh Goldenberg Raso & Vaughn

mgoldenberg@nighgoldenberg.com

Ellyn Hurd

Simmons Hanly Conroy

ehurd@simmonsfirm.com

Sara Peters

Walkup, Melodia, Kelly & Schoenberger

speters@walkuplawoffice.com

Bret Stanley

Pulaski Kherkher

bstanley@pulaskilawfirm.com

Plaintiffs' Steering Committee

Alyson Steele Beridon
HSGLaW
alyson@hsglawgroup.com

Andrea Hirsch
Cohen Hirsch
andrea@cohenhirsch.com

Michael Carney
Slater Slater & Schulman
mcarney@sssfirm.com

Sommer Luther
Wagstaff Law
sluther@wagstafflawfirm.com

Erin Copeland
Fibich Law
ecopeland@fibichlaw.com

Karen Barth Menzies
KBM Law
kbm@kbmlaw.com

Tracey Cowan
Clarkson Law Firm
tcowan@clarksonlawfirm.com

Meredith Stratigopoulos
Watts Guerra
mdrukker@wattsguerra.com

Adam Gomez
Grant Eisenhofer
agomez@gelaw.com

Alexandra Walsh
Walsh Law
awalsh@alexwalshlaw.com

Layne Hilton
Meyers Wilson
lhilton@meyerwilson.com

Plaintiffs' Liaison Counsel

Khaldoun Baghdadi
Walkup, Melodia, Kelly & Schoenberger
kbaghdadi@WalkupLawOffice.com

Coordination with JCCP Counsel

The PLG has had ongoing discussions with members of the JCCP Leadership to coordinate proposed MDL leadership but has not reached an agreement. To facilitate coordination with the MDL and the JCCP, the PLG proposes that the following counsel be added to the Proposed Leadership Group.

Brian Abramson as a member of the Plaintiffs' Steering Committee
Williams Hart Boundas

Celine Cutter (JCCP) as Plaintiffs' Liaison Counsel
Cutter Law Group

Sommer Diane Luther

Partner, Wagstaff Law Firm

940 Lincoln Street, Denver, Colorado 80203

Phone: (720) 208-9417

Email: sluther@wagstafflawfirm.com

EXPERIENCE

Partner

2021-Present

Wagstaff Law Firm

Denver, Colorado

- Manage and lead team of attorneys, paralegals and legal assistants handling individual and multi-plaintiff cases involving catastrophic injury, sexual abuse, and product liability.
- Develop and oversee execution of legal strategy, trial strategy, and negotiation on individual and multi-plaintiff cases involving catastrophic injury, sexual abuse, and product liability.

Attorney

2007-2021

The Gold Law Firm, LLC

Greenwood Village, Colorado 80111

- Successfully represented clients in a variety of cases, specializing in catastrophic personal injury cases, and achieved favorable verdicts and settlements.
- Lead trial attorney responsible for managing case load of catastrophic personal injury cases.
- Lead Trial Counsel: *Lucero v. Ochoa*, Arapahoe County District Court, State of Colorado - \$4,200,000 Jury Verdict
- Lead Trial Counsel: *Vicky Yokomichi v. American Furniture Warehouse*, Arapahoe County District Court, State of Colorado - \$1,200,000 Jury Verdict

EDUCATION

Juris Doctorate

2000-2003

University of Denver

BS, Finance

1996-2000

University of Florida

BAR ADMISSIONS

- Colorado

KEY ACHIEVEMENTS AND AWARDS

- *Member*, Executive Committee, Colorado Trial Lawyers Association, Present
- *Member*, Legislative Committee, Colorado Trial Lawyers Association, Present

- *President*, Colorado Trial Lawyers Association, 2018-2019
- *Member*, American Board of Trial Advocates (ABOTA), 2017-Present
- Super Lawyers, 2017-Present
- Super Lawyers, Rising Star, 2011-2016
- Young Lawyer of the Year, Colorado Trial Lawyers Association, 2012